

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON F. GARDNER,

Plaintiff,

Case No. CIV-S-04-1221 FCD GGH PS

vs.

UNITED STATES OF AMERICA,

Defendant.

ORDER

On April 25, 2005, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. Plaintiff filed objections on May 6, 2005, defendant filed a reply to plaintiff's objections, and they were considered by the district judge.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are

1 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.  
2 1983).

3 The court has reviewed the applicable legal standards and, good cause appearing,  
4 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.  
5 Accordingly, IT IS ORDERED that:

6 1. The Proposed Findings and Recommendations filed April 25, 2005, are  
7 ADOPTED; and

8 2. Defendant's December 20, 2004, summary judgment motion is granted, and  
9 judgment is entered in favor of defendant.

10 DATED: May 27, 2005

11  
12 /s/ Frank C. Damrell Jr.  
13 FRANK C. DAMRELL JR.  
14 United States District Judge

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